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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,803	02/15/2002	Robert Pines	886-003c1US	6211
7590 06/30/2005			EXAMINER	
Sofer & Haroun LLP 317 Madison Avenue Suite 910 New York, NY 10017			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/049,803

Applicant(s)

PINES ET AL.

Examiner

Ovidio Escalante

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 63,65-67,69-75,133-136,138-140,158,165,173,174,178 and 180 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 63,65-67,69-75 and 158 is/are allowed.
- 6) ☒ Claim(s) 133-136,138-140,165,173,178 and 180 is/are rejected.
- 7) ☒ Claim(s) 174 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on March 18, 2005. Claims 63,65-67,69-75,133-136,138-140,158,165,173-174,178 and 180 are now pending.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 178 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daudelin US Patent 4,959,855 in view of Stern et al. US Patent 6,731,927.

*Regarding claim 178*, Daudelin teaches in a communication assistance system a method for providing access to information corresponding to a plurality of subscribers, (abstract; col. 1, lines 49-65), the method comprising the steps of:

receiving requests from a plurality of requesters desiring to access said information corresponding to subscribers, (col. 1, lines 49-65; col. 5, lines 60-66);

storing in a first database said information corresponding to each of said subscribers, including phone numbers of each of said subscribers, (col. 3, lines 20-35; col. 4, lines 34-45)

routing to a call center coupled to said switch, each of said requests from said requester to an operator terminal, (col. 7, lines 24-31,55-61)

providing said requests from said requester in a format desired by said requestor, wherein said format is a voice call connection format, (col. 1, lines 49-65; col. 8, lines 27-61). Daudelin does not specifically teach the desired format includes a non-voice format.

In the same field of endeavor, Stern teaches of sending information to a requester in a format desired by said requestor, wherein said format is a voice call connection formation and a non-voice format and wherein for said non-voice format, the method further comprises the step of communicating between a requester and a customer service representative operating said operator terminal, in a variety of formats selected from a list including short messaging service (SMS) and wireless application protocol (WAP), (col. 3, lines 25-43; col. 5, lines 32-39).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the format of Daudelin to include non-voice format as taught by Stern so that the user can choose their format based on the device type that they are using.

6. Claims 133-138 and 165 rejected under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Fukuzawa et al. US Patent 6,404,877

*Regarding claim 133*, Daudelin teaches a communication assistance system for providing access to information corresponding to a plurality of subscribers, (abstract; col. 1, lines 49-65), the system comprising:

a telephone switch (directory assistance service switch) for receiving calls from a plurality of requesters desiring to access said information corresponding to subscribers, (col. 1, lines 49-65; col. 5, lines 60-66);

a first database configured to store said information corresponding to each of said subscribers, including phone numbers of each of said subscribers, (col. 3, lines 20-35; col. 4, lines 34-45)

a communications interface for receiving requests for directory assistance via a requester communication terminal, (col. 7, lines 24-31, 55-61 8, lines 48-61).

Daudelin does not specifically teach of an access database containing a plurality of access numbers corresponding to phone listing of each of the subscribers.

In the same field of endeavor, Fukuzawa teaches an access database containing a plurality of access numbers corresponding to phone listing of each one of said subscribers stored in said first database, (abstract), wherein said communications interface is further configured to deliver said access number corresponding to said requested phone listing to said requester

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communication terminal (col. 8, line 56-col. 9, line 15; the caller is notified of the name (which is directly associated with the number) of the person so that the user can verify that they are trying to call the correct person) so as to provide said assigned access number allowing said requester to connect to a desired subscribers using said assigned access number, (col. 1, lines 43-64; col. 3, lines 52-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the directory of Daudelin by using assigned access numbers which correspond to the subscribers telephone number as taught by Fukuzawa so that by using a telephone number which can be given publicly the subscriber real telephone number can remain private.

***Regarding claim 134***, Daudelin, as applied to claim 133, teaches a call center coupled to said switch for routing each of said received calls from said requester to an operator terminal, (col. 3, lines 52-67).

***Regarding claim 135***, Daudelin, as applied to claim 133, teaches an operator terminal operated by a customer representative so as to retrieve information stored in said database, (col. 3, lines 37-51).

***Regarding claim 136***, Daudelin, as applied to claim 133, teaches an automated operator terminal so as to automatically retrieve information from said database, (col. 7, lines 18-31).

***Regarding claim 138***, Daudelin in view of Fukuzawa, as applied to claim 133, teaches wherein said assigned access number when dialed provides access to said telephone switch and said access database, so as to retrieve a corresponding subscriber's phone number for call completion by said telephone switch, (col. 1, lines 43-64; co. 3, lines 52-67).

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As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the directory of Daudelin by using assigned access numbers which correspond to the subscribers telephone number as taught by Fukuzawa so that by using the virtual telephone number the subscriber's real telephone number can remain private.

*Regarding claim 165*, Daudelin teaches a method of operating a communication assistance system for providing access to information corresponding to a plurality of subscribers, (col. 1, lines 49-65; abstract), said method comprising the steps of:

receiving calls from a plurality of a requesters desiring to access said information corresponding to subscribers at a telephone switch, (col. 1, lines 49-65; col. 5, lines 60-66);

accessing a first database and retrieving said information corresponding to each of said subscribers, including phone numbers of each of said subscribers, (col. 3, lines 20-35; col. 4, lines 34-45);

receiving requests at a communication interface for directory assistance via a requester communication terminal, col. 7, lines 24-31; col. 8, lines 27-47).

Daudelin does not specifically teach of maintaining a plurality of access numbers corresponding to phone listing of each one of said subscribers.

In the same field of endeavor, Fukuzawa teaches maintaining a plurality of access numbers corresponding to phone listing of each one of said subscribers stored in said first database in an access database, wherein said communications interface is further configured to deliver said access number corresponding to said requested phone listing to said requester communication terminal (col. 8, line 56-col. 9, line 15; the caller is notified of the name (which is directly associated with the number) of the person so that the user can verify that they are

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trying to call the correct person) so as to provide said assigned access number wherein said assigned access number disclosed to said requester is associated with subscriber's undisclosed telephone number, allowing said requester to connect to a desired subscriber using said assigned access number, (col. 1, lines 43-64; col. 3, lines 52-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the directory of Daudelin by using assigned access numbers which correspond to the subscribers telephone number as taught by Fukuzawa so that by using a virtual telephone number which can be given publicly the subscriber real telephone number can remain private.

7. Claims 139 and 140 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Fukuzawa and further in view of Cirelli US Patent 5,926,754.

*Regarding claims 139 and 140*, Daudelin in view of Fukuzawa teaches wherein the communication terminal may comprises a plurality of different types of terminals including a telephone. Daudelin in view of Fukuzawa do not specifically teach wherein said communication terminal is a wireless handheld device or a personal computer.

In the same field of endeavor, Cirelli teaches of a requester for information using either a wireless handheld device or a personal computer, (col. 3, lines 33-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the terminals of Daudelin and Fukuzawa by using wireless or computer terminals as taught by Cirelli so that wireless users can use directory assistance service.



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8. Claims 173 and 180 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daudelin in view of Cirelli US Patent 5,926,754.

***Regarding claims 173 and 180***, Daudelin teaches a communication assistance system for providing access to information corresponding to a plurality of subscribers, (col. 1, lines 49-65; abstract), the system comprising:

a telephone switch for receiving calls from a plurality of requesters desiring to access said information corresponding to subscribers, (col. 1, lines 49-65; col. 5, lines 60-66);

a database configured to store said information corresponding to each of said subscribers, wherein said database, for said information corresponding to each of said subscriber, (col. 3, lines 20-35; col. 4, lines 34-45).

Daudelin does not specifically teach wherein the database maintains a first wireless phone number field and a first mask field indicating whether a stored wireless phone number remains masked.

In the same field of endeavor, Cirelli teaches of a database which maintains a first wireless phone number field, indicating that a stored telephone number is associated with a wireless telephone corresponding to said subscriber and a first mask field, indicating whether a stored wireless phone number remains masked to said requester, such that during a process that said requester is being connected to a desired subscriber, said connect field is examined to determine whether to disclose said subscriber's wireless phone number to said requester (figs. 3-4; col. 6, line 41-col. 7, line 10).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the database listing of Daudelin to include wireless telephone number fields and mask fields as taught by Cirelli so that wireless numbers can remain private.

***Allowable Subject Matter***

9. Claims 63,65-67,69-75,158 are allowed.
10. Claim 174 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments with respect to claims 63,65-67,69-75,133-136,138-140,158,165,173-174,178 and 180 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bolduc et al. US Patent 6,404,877 teaches of a directory assistance system which delivery the information to the user as voice or non-voice information

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30 to 4:00. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

Ovidio Escalante  
Examiner  
Group 2645  
June 14, 2005

*Ovidio Escalante*

O.E./oe